

MT LEGISLATIVE HISTORY

Chapter 198 1963

Bill H _____ S 72

Original bill & hist. NO C

H. Committee on Pub. Health

S. Committee on Pub. Health

Hearing Date(s) _____ C

Hearing Date(s) _____ C

_____ C

_____ C

2/28 ✓ C

4/28 ✓ C

_____ C

_____ C

Date Out

2/28 ✓ C

4/28 C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____

Report _____

1963

SENATE

PUBLIC HEALTH, WELFARE, & SAFETY

Film #4

BILL NO.	ENTERED COMM.	OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CON-CURRED IN
SB 39	1/21/63	1/21/63	1/21/			
SB 56	1/21/63	1/21/63	1/21			
SB 33	1/23/63	1/23/63	1/23/			
SB 46	1/25/63					
SB 69	1/28/63	1/28/63			1/28/63	
SB 70	1/28/63	1/28/63			1/28/63	
SB 71	1/28/63	Ref to sub-com. 2/6/63			2/6/63	
SB 72	1/28/63	1/28/63			1/28/63	
SB 92	1/30/63	1/30/63			1/30/63	
HB 108	1/30/63	1/30/63				1/30/63 as amended
SB 198	1/30/63	1/30/63	1/30			
SB 75	1/30/63	1/30/63		1/30/63		
SB 95	1/30/63	1/30/63			1/30/63	
SJR 7	1/30/63			1/30/63		
HB 51	2/1/63	2/1/63				2/1/63
HB 120	2/8/63	2/8/63				2/8/63
SB 123	2/1/63	2/1/63		2/1/63		
SB 135	2/6/63	2/6/63			2/6/63	
SB 138	2/4/63	2/8/63		2/8/63		
SB 106	2/4/63	2/4/63			2/4/63	
SB 190	2/6/63	2/6/63	Referred to Committee on Finance and Claims			
SB 174	2/6/63	2/6/63				
SB 177	2/6/63	2/11/63				
SB 110	2/11/63 sub-comm.	2/11/63				

MINUTES OF A MEETING OF COMMITTEE
ON PUBLIC HEALTH, WELFARE AND SAFETY, STATE SENATE

January 28, 1963

A meeting of the committee on Public Health, Welfare and Safety was called to order by the Chairman, Dr. R. T. O'Neill, January 28, 1963 at 3:00 p.m. in room 423 of the State Capitol Building.

The roll was called by the secretary and there being a quorum present consideration was given to the following bills: Senate Bills No. 69, 70, 71 and 72.

Senator McKeon explained the purpose and content of each of the above mentioned bills. There were questions directed to Senator McKeon and discussion among the members of the committee. After the senator retired from the committee room, the members made further discussion of each of the bills individually.

It was moved by Senator Beley that the following amendments be made to Senate Bill No. 69: ^{and do pass as amended.} on page 1, at the beginning of line 14, before the word "Section" the word and number "Section 1." be inserted.

Also on page 1 of SB No. 69, line 22, after the word "certificate" and before the word "any" by inserting the word "from".
Seconded by Senator Cashmore and carried.

Motion was made by Senator Cotton that Senate Bill No. 70 Do Pass with the following amendment: Page 1, at the beginning of line 13, before the word "Section" by inserting the following: "Section 1."
Seconded by Senator Cashmore and carried.

Motion made by Senator Melcher that Senate Bill No. 71 be referred to a sub-committee to be appointed by the chairman, for further study.

Seconded by Senator Cotton, Carried.

The Sub-Committee appointed to study this bill further consisted of: Senator Melcher, Senator Cotton and Senator Hilling.

Motion made by Senator Cashmore that Senate Bill No. 72 Do Pass with the following amendment: Page 1, line 15, before the word "pending" by inserting the following: "for a period not to exceed 30 days."

Seconded by Senator Hilling, Carried.

Adjournment

R. T. O'Neill, Chairman

S. B. NO.
69

DO PASS AS
AMENDED

S.B. No.
70

DO PASS AS
AMENDED

S. B. No. 71

REFERRED
TO SUB-
COMMITTEE

S.B. No.
72

DO PASS AS
AMENDED

January 26, 1963, 19.....

MR. PRESIDENT:

We, your Committee on.....PUBLIC HEALTH, WELFARE AND SAFETY
having had under consideration.....SENATE.....Bill No. 72

A BILL FOR AN ACT ENTITLED: AN ACT TO PERMIT RECEPTION OF NON-
RESIDENT INSANE TO STATE HOSPITAL PENDING RETURN TO STATE OF
RESIDENCE AND REPEALING SECTION 38-118, REVISED CODES OF MONTANA,
1947.

Respectfully report as follows: That.....SENATE Bill No. 72.....

be amended to read as follows:

Amend Original Senate Bill No. 72, page 1, line 15 before the word
"pending" by inserting the following: for a period not to exceed
30 days.

AND AS AMENDED

Do Pass.

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

February 28, 1963

A meeting of the Public Health, Welfare and Safety Committee was held on adjournment February 28, 1963, in room 417 with 13 members present.

The Chairman announced that he had Senate Bill 33 taken from general orders so that it could be brought back into the committee in order to clear up some questions before it was brought to the floor for discussion. Mrs. Mary Munger, Executive Director of Montana Nurses Association, and Ann Beckwith, Executive Secretary of the State Board of Nursing, were present to answer some questions of the committee concerning Senate Bill 33.

Mr. Louis Forsell, Helena attorney, was next introduced to explain Senate Bills 69, 70, 71 and 72, which he had drawn at the request of Dr. Freeman of the Montana State Hospital in Warm Springs. These were introduced in the Senate by Senator McKeon but he was unable to be present at this meeting. These bills had been passed on by the Governor's Committee on Mental Health and reviewed by Scribner and Poore, Helena attorneys. They had been changed somewhat from the original draft, he explained.

SENATE BILL 69 was first considered. Mr. Forsell said presently when we have an emergency admission to Warm Springs it has to be on certification by the county physician in the county where the person resides. This presents a problem as some counties don't have a county physician so we would like that changed to certification of any registered physician. Conceivably a person could be in another county from his residence at the time he would need to be admitted to the hospital so we would like that changed also to read any county in which the person is found in at the time they need emergency admission. It was explained that it must be determined at the hospital within five days after a person is admitted under emergency admission if he is going to be kept there or not and then he is entitled to a hearing in the district court where he resides. It was also brought out that the county of residence is the one responsible for the cost of his keep in the hospital. It was pointed out by Mr. Forsell that the county attorney and sheriff would be the ones requesting the certification of a physician for emergency admission.

SENATE BILL 70 is to amend existing laws pertaining to fees for persons at the hospital, which are now \$3 per day up to ninety days and \$2 per day thereafter. Mr. Forsell said this is an outrageously low figure and we think should be computed as average per capita cost. We know that many inmates have estates or guardians able to pay more than this amount. We also have veterans and some Indians under provisions that could pay more. Also insurance companies in many instances allow more than \$2 or \$3 for this type of care. This amount would be determined after investigation by officials. This matter has been gone over by the budget director. It is estimated the average cost per day per capita is around \$12.

Next order of business was SENATE BILL 71. Mr. Forsell explained that in 1895 there were some statutes passed governing postal regulations at the hospital. These required that the patient be provided sufficient materials for writing; post office box was to be provided within easy access to patients; if a patient is unable to address letters someone is required to do this for him to a specific correspondent; contents of post office boxes must be emptied periodically; names of correspondents must be posted and letters be sent without interference to these specific correspondents and copies of postal regulations must be posted in every room in hospital. This imposes quite a burden on the hospital. Most often these rules have been left up to the superintendent. He can withhold certain mail from a patient if it seems advisable. Mr. Forsell said it was felt the hospital should be authorized to review letters and packages before delivery as it could hinder treatment of patients in some instances. However, paper and materials must be furnished the patients for their use.

SENATE BILL 72 was next considered. The State Hospital at Warm Springs is the only institution in Montana that is equipped to take care of the insane. This bill would allow the hospital to receive any person for thirty days and gives them authority to return a person to another state within that period. It was brought out that they do not try to treat a person during this period they just give custodial care.

There was a brief discussion on SENATE BILL 33 and then Mr. Schepens moved that SENATE BILL 33 BE CONCURRED IN. Mr. Bradford seconded the motion and the motion carried.

Mr. Schepens moved that SENATE BILL 69 be passed for the day until Mr. Forsell supplies the committee with a satisfactory definition of mental illness, Mr. Bradford seconded the motion and it carried.

It was moved by Mr. Crum that SENATE BILL 70 BE CONCURRED IN, seconded by Mr. Schepens and the vote carried.

The motion that SENATE BILL 71 BE CONCURRED IN was made by Mr. Twedt, Mr. Healy seconded the motion and the motion carried.

Mr. Beck moved that SENATE BILL 72 BE CONCURRED IN, Mr. Bashor made the second and all voted in favor of the motion.

Mr. Crum said he has had considerable new evidence on SENATE BILL 198 and he would like to have this bill reconsidered. Mr. Crum moved that the committee reopen the hearing on SENATE BILL 198 on Friday, March 1st on adjournment, Mr. Schepens seconded the motion and it carried.

The meeting adjourned until March 1st on adjournment.


DR. M. F. KELLER

.....February 28....., 19..

MR. SPEAKER:

We, your Committee on...**PUBLIC HEALTH, WELFARE AND SAFETY**.....
having had under consideration.....**SENATE**.....Bill No. **72**.....

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT RECEPTION OF
NONRESIDENT INSANE TO STATE HOSPITAL PENDING RETURN TO STATE
OF RESIDENCE AND REPEALING SECTION 38-116, REVISED CODES OF
MONTANA, 1947."**

Respectfully report as follows: That...**SENATE**.....Bill No. **72**.....

BE CONSIDERED IN

SENATE.

136-2-63-40499

Keller Chairman

DR. N. F. KELLER

relief shall arise or be enforced against any person or organization by reason of having provided such information or material, or by reason of having released or published the findings and conclusions of such groups to advance medical research and medical education, or by reason of having released or published generally a summary of such studies.

Use for medical research—identity confidential.

Section 2. Information to be used only for medical research—Identity of persons treated not to be revealed. The state board of health, the Montana medical association, any of its allied medical societies, any committees of nationally organized medical societies or research groups, or any in-hospital staff committee shall use or publish said material only for the purpose of advancing medical research or medical education in the interest of reducing infant morbidity or mortality, except that a summary of such studies may be released by any such group for general publication. In all events the identity of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances.

Information deemed privileged communication.

Section 3. Information furnished deemed privileged communication. All information, interviews, reports, statements, memoranda, or other data furnished by reason of this act and any findings or conclusions resulting from such studies are declared to be privileged communications which may not be used or offered or received in evidence in any legal proceeding of any kind or character, and any attempt to use or offer any such information, interviews, reports, statements, memoranda or other data, findings or conclusions or any part thereof, unless waived by the person treated or his legal representative, shall constitute prejudicial error resulting in a mistrial in any such proceeding.

Effect of unauthorized use.

Approved March 7, 1963.

CHAPTER NO. 198

An Act to Permit Reception of Nonresident Insane to State Hospital Pending Return to State of Residence

and Repealing Section 38-118, Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. An insane person, nonresident of this state, may be received into the Montana state hospital for a period not to exceed thirty (30) days pending return to the state of his residence.

Nonresident insane—stay in state hospital.

Section 2. Section 38-118, R. C. M. 1947, is hereby repealed.

Repealing clause.

Approved March 7, 1963.

CHAPTER NO. 199

An Act Amending Section 84-4903, R. C. M. 1947, Relating to Personal Income Tax, Deleting the Provision As to Taxability of Nonresident Officers of Corporations; Amending Section 84-4910, R. C. M. 1947, to Provide for an Additional Exemption to Income Tax Only In the Event a Separate Return Is Made By Taxpayer and Spouse Has No Gross Income and Is Not the Dependent of Another Taxpayer; Amending Section 84-4956, R. C. M. 1947, to Provide for Examination of Income Tax Returns, Hearings and Return of Overpayments at Six Per Cent (6%) Per Annum Under Certain Conditions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-4903, R. C. M. 1947, is amended to read as follows:

Amending clause.

“84-4903. **Tax on nonresident.** (a) A like tax is imposed upon every person not resident of this state which tax shall be levied, collected and paid annually, at the rates specified in section 84-4902, with respect to his entire net income as herein defined from all property owned and from every business, trade, profession, or occupation carried on in this state.”

Income tax—nonresident.

Section 2. That Section 84-4910, R. C. M. 1947, is amended to read as follows:

Amending clause.

“84-4910. **Exemptions.** (a) Allowance of Personal Exemption. In the case of an individual, the exemptions

Individual exemptions.